

REMARKS

Support for the amendment to claim 1 is founding original claims 2 and 3.

Support for new claims 6-13 is found in the description of dimensions of plastic logs on page 6 of the specification as originally-filed.

Claims 1 and 4 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite, e.g. for failing to recite any compositional or structural limitations. Applicant submits that the current amendment to the claims provides such a compositional limitation that obviates this rejection. Reconsideration and withdrawal of the Section 112 rejection is respectfully requested.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,253,458 (Christian). Christian teaches simulated logs made of polyvinyl chloride thermoplastic, commonly known as vinyl polymer and PVC. More specifically, Christian discloses simulated logs that are suitable to be stacked and bolted, e.g. to fabricate a log building. There is no suggestion in Christian to modify the logs by substituting applicant's claimed materials (polypropylene or polyethylene) for polyvinyl chloride. Nor is there any suggestion to provide plastic logs with a flexural modulus of at least 70,000 psi. In this regard the Examiner is directed to Exhibit 1 which is a data sheet (downloaded from www.matweb.com) for a commercial rigid vinyl polymer which has a flexural modulus of 10 ksi (10,000 psi). There is no teaching by Christian to substitute a plastic material having a flexural modulus about 7 fold higher in flexural modulus. Christian discloses plastic logs that are suited for fabrication into simulated log homes. Christian does not suggest plastic logs that are, or would be, suitable for post and rail fencing, i.e. logs with a sufficiently high flexural modulus so as to be able to span a distance between rails without sagging or breaking under impact.

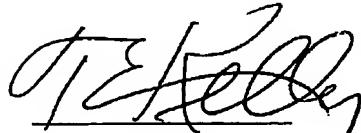
Plasticized polyvinyl chloride is used for decorative molded plastic fencing which simulates picket fencing. Such simulated picket fencing is not known for its strength; in fact it is known to be susceptible to impact damage. Polyvinyl chloride is not used for plastic logs in post and rail fencing for a reason; it is simply unsuited due to its low flexural modulus and brittleness. These well known characteristics would not motivate a person of ordinary skill in the art to make plastic logs from polyvinyl chloride or to

investigate plastic logs as disclosed in this application, e.g. with an average diameter of 3.5 inches and a length of 9 feet. A person of ordinary skill in the art with a knowledge of plastic material properties would not be motivated by Christian to make such a dramatic leap to the subject matter of claim 1, i.e. a plastic log with a flexural modulus at 40F of at least 70,000 psi. Reconsideration and withdrawal of this rejection over Christian is respectfully submitted.

Claims 3 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Christian as applied to claims 1 and 2, and further in view of DE 2823064A (Whitten) which teaches imitation/simulated tree parts having a bark simulating surface made of various materials including polypropylene. More specifically, with reference to the drawings Whitten describes a model tree with a wire skeleton (e.g. 2 or 13) supporting a sleeve trunk (5, 6 or 7) which are coated with a texture material to simulate a natural tree bark. The texture coating can be sisal, coconut, animal hair, cotton, wool, nylon and polypropylene among other materials. Whitten's disclosure of polypropylene as one of many materials for simulating bark on the sleeve does not teach or suggest any modification of Christian that would provoke a person of ordinary skill in the art to substitute polypropylene for polyvinyl chloride. Reconsideration and withdrawal of the Section 103 rejection is respectfully requested.

In view of the above remarks applicant respectfully submits that the claims as amended are patentable over the cited art and request reconsideration and withdrawal of the rejections and allowance of claims. Applicant's attorney welcomes an interview to expedite prosecution of this application.

Respectfully submitted,



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